

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**EARL LEE RASPBERRY, III,**  
**Plaintiff,**

**v.**

**MJ NICKELSON, et al.,**  
**Defendants.**

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**Civil Action No. 7:15cv00544**

**ORDER**

**By: Norman K. Moon**  
**United States District Judge**

Plaintiff Earl Lee Raspberry, III, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment and on December 23, 2015, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). The notice was returned to the court as undeliverable and marked “no longer incarcerated at Middle River Regional Jail” and “unable to forward.” By previous order entered October 13, 2015, the court advised Raspberry that he must notify the court in writing immediately upon his transfer or release and provide the court with a new address. The court warned Raspberry that “failure to notify the court of such a change of address will result in dismissal of this case.” Raspberry has not provided the court with an updated address and, therefore, the court has no means of contacting him.

Inasmuch as Raspberry has failed to comply with the court’s order, it is hereby **ORDERED** that this civil rights action is **DISMISSED without prejudice**; defendants’ motion for summary judgment (Docket No. 16) is **DISMISSED without prejudice**, and the Clerk is directed to **TERMINATE** this action from the active docket of the court.

The Clerk is directed to send copies of this order to the parties

**ENTER:** This 23rd day of February, 2016.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE